REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-14 are currently pending. Claims 1, 4-6, and 10-13 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 4, 5 and 12-14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. U.S. Patent No. 6,593,969 to Driscoll et al. ("Driscoll") in view of U.S. Patent No. 5,703,604 to McCutchen;

Claims 2, 6-8, 10-11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Driscoll in view of McCutchen and further in view of U.S. Patent No. 5,652,621 to Adams, Jr. et al. (Adams); and

Claims 3 and 9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. U.S. Patent No. 6,593,969 to Driscoll in view of McCutchen and Adams and further in view of U.S. Patent No. 5,835,138 to Kondo.

Independent claim 1 recites, *inter alia*:

> "wherein the picture image conversion means eliminates distortion and converts to a high quality picture in a single step." (emphasis added).

Applicants re-assert the arguments presented in response to the Office Action of September 21, 2005.

As understood by Applicants, McCutchen discloses a device that enables the viewing of immersive video environments. The device purports to enable a user to look into, and look around in, what appears to be another world, created photographically. Several video images are assembled into a spherical panorama using a fractal process. A dodecahedral system of pentagonal segments is used to generate and combine the video images into the spherical panorama. That is, McCutchen uses a multiple step process having at least two steps: eliminating distortion of the image then increasing resolution of the image.

In contrast, the present invention recites, "picture image conversion means eliminates distortion and converts to a high quality picture in a single step." That is, based on just one step, for example by classification adaptive processing, a distortion-free and higher quality image is calculated from the distorted input picture image. The present invention does not require multiple steps that include a step for elimination of the distortion of the distorted picture image and another step for increasing the resolution of the distortion-free picture image. *See, for example,* FIG. 14.

Claim 1 is not obvious over Driscoll and McCutchen because those references taken alone or in combination do not teach or suggest each and every limitation recited in the claim. In particular the cited references do not teach or suggest, "the picture image conversion means eliminates distortion and converts to a high quality picture in a single step\" as recited in claim 1.

For reasons similar to those described above, independent claims 4, 5, 12, and 13 are also believed to be patentable.

Applicants respectfully submit that neither Kondo nor Adams provides support for the element missing in Driscoll and McCutchen, and, therefore, independent claims 6, 10, and 11 are also believed to be patentable for similar reasons as those described above.

III. The Office Action Fails To Show Proper Motivation To Combine References

As discussed by the Court of Appeals for the Federal Circuit, a proper conclusion of obviousness under 35 U.S.C. 103 requires that there be some motivation in the prior art that suggests the claimed invention as a whole:

> "Our case law makes clear that the best defense against hindsight-based obviousness analysis is the rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." *Id.*

As further explained by the Federal Circuit:

> [A]n Examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue . . . To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court

> requires the examiner to show motivation to combine the references that create the case of obviousness.

In re Rouffet, 149 F.d3 1350, 1357 (Fed. Cir. 1998).

These precedents are were not overturned by *In Re Kahn* in which the Federal Circuit required "substantial evidence" for a finding of a motivation to combine references. 2006 U.S. App. LEXIS 7070 (Fed. Cir. Mar. 22, 2006). The Court stated, "[s]ubstantial evidence is something less that the weight of the evidence but more than a mere scintilla of evidence." The Board must "explain the motivation, suggestion, or teaching as part of its prima facie case." *Id.*

> "To reach a non-hindsight driven conclusion as to whether a person having ordinary skill in the art at the time of the invention would have viewed the subject matter as a whole to have been obvious in view of multiple references, the Board must provide some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct." *Id.*

The Office Action (December 28, 2005) does not provide a teaching, suggestion or incentive supporting the combination of the Driscoll and McCutchen references. The Office Action provides the conclusory and scant explanation for combining the references as, "[a]n advantage of producing a high-quality image is that the resulting image is more pleasing to the eye. For this reason, it would have been obvious . . . to have Driscoll's device produce a high-quality image from a non-distorted image." Page 5, par. 5. This is merely a desired outcome of most all picture processing and does not suggest a reason to combine the particular cited references.

IV. **DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed

to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-14 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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